
Housing Discrimination Law

The North Dakota Housing Discrimination Act authorizes the North Dakota Department of Labor and Human Rights to investigate complaints of housing discrimination. Under the law, citizens may bring complaints of unlawful housing discrimination to the Department for investigation.

Protected Categories

Persons may bring complaints to the North Dakota Department of Labor and Human Rights if they believe they have been discriminated against in housing **because of** their:

- Race
- National origin
- Sex
- Marital Status
- Religion
- Disability
- Color
- Age - 40 years of age or over
- Receipt of public assistance
- Familial status - presence of children under age 18, being pregnant, or securing custody of a minor

Discriminatory Practices

The following acts are prohibited if they are based on one or more of the protected categories:

- Refusing to sell or rent a dwelling after the making of a bona fide offer
- Refusing to negotiate for the sale or rental of a dwelling
- Refusing to show or falsely denying availability
- Offering different terms, conditions, or privileges of a sale or rental
- Providing different services or facilities in connection with a sale or rental
- Refusing to permit a reasonable modification to a dwelling by a disabled person
- Refusing to make a reasonable accommodation for a disabled person

The North Dakota Department of Labor and Human Rights is committed to educating the public about housing discrimination laws and to functioning as a neutral third-party in objectively and efficiently resolving housing discrimination complaints.

- Failing to meet accessibility standards for disabled persons
- Advertising about the sale or rental of a dwelling in a manner that indicates a discriminatory preference
- Engaging in discriminatory brokerage or financial services
- Engaging in blockbusting activity – making representations about the characteristics of a neighborhood to encourage the sale or rental of property for profit
- Interfering, through intimidation, force, or threat of force, with any persons' full enjoyment of housing privileges

Exemptions

Limited exemptions from the housing discrimination law do exist:

- Sale or rental of a single family home by the owner, provided that:
 - The owner does not own or have interest in more than three single family homes
 - The owner does not use the services of a broker, agent, realtor, etc.
 - The owner does not use discriminatory advertising in the sale or rental
 - The exemption applies to only one sale or rental in a twenty four month period unless the owner is the most recent resident of the home
- Sale or rental of rooms or units in a dwelling occupied or intended for occupancy by no more than four independent families if the owner lives in one of the units
- Religious organizations may give preference to members of the same religion provided that membership in the religion is not restricted by race, color, or national origin

- Private clubs may give preference to members provided that membership is not restricted by race, color, or national origin
- Housing determined by the Secretary of the U.S. Department of Housing & Urban Development (HUD) or the North Dakota Department of Labor and Human Rights to be specifically for the elderly is exempt from the familial status and age provisions of the law. The housing must be:
 - Designed and operated to assist elderly individuals under a state or federal program, or
 - Intended for, and solely occupied by, individuals 62 years of age or older, or
 - Intended and operated for occupancy by at least one individual at least 55 years of age or older in each unit

Departmental Responsibilities

Under the provisions of N.D.C.C. Chapter 14-02.5, the North Dakota Department of Labor and Human Rights is responsible to:

- Receive and investigate complaints of unlawful housing discrimination
- Issue a report, in even numbered years, recommending legislative or other action to carry out the purposes of the law
- Make studies relating to the nature and extent of discrimination in the state
- Cooperate with other public or private entities that are working to prevent or eliminate discriminatory housing practices
- Foster prevention of discrimination through education for the public, landlords, publishers, realtors, brokers, lenders, and sellers on the rights and responsibilities provided under the law and ways to respect those protected rights
- Emphasize conciliation to resolve complaints

Complaint Process

Complaints must be filed with the North Dakota Department of Labor and Human Rights within one year of the date of the alleged discrimination. To file a complaint, a person must complete a "Housing Discrimination Intake Questionnaire." The department utilizes the information provided in the questionnaire to determine if the complaint meets jurisdictional and standing requirements for filing under the law. If it does, the department:

- Will file a formal complaint within one year of the alleged discriminatory housing practice
- Will send a notice to both parties describing the rights, responsibilities, and procedural obligations of each
- May authorize a claim for temporary or preliminary relief and the Attorney General shall file the claim
- Will complete an investigation within one hundred days of the filing of the complaint unless impracticable
- Will attempt to conciliate a settlement between the parties
- Will prepare a written investigative report

If a settlement cannot be reached between the parties and it is determined that there is reasonable cause to believe that discrimination did occur, the department will issue a "charge" consisting of a statement of the facts on which the department finds such cause.

If a charge is issued, the department shall hold an administrative hearing unless either party elects for a judicial determination within twenty days. If such an election is made, the Attorney General shall file a claim seeking relief for the benefit of the aggrieved person in district court. The Attorney General represents the North Dakota Department of Labor and Human Rights but the aggrieved person may intervene in the action and may be represented by private counsel.

Relief, including actual damages, reasonable attorneys' fees, court costs, other injunctive or equitable relief, and civil penalties may be assessed in either an administrative or civil proceeding.

If the department believes that no reasonable cause exists to believe that discrimination did occur, it shall promptly dismiss the complaint.

HUD & Substantial Equivalency

Part of the intent of the North Dakota Legislative Assembly in passing the North Dakota Housing Discrimination Act was to create a state law with provisions that are "substantially equivalent" to those in the Federal Fair Housing Act. State and local agencies enforcing substantially equivalent laws are able to enter into work-sharing agreements with HUD. This means that claims filed with either the state or local agency or HUD are "dual-filed" and are investigated by the state or local agency with HUD accepting the agency's investigative findings.

An agreement between the North Dakota Department of Labor and Human Rights and HUD has been in existence since September of 2000.



The work that provided the basis for this publication was supported by funding under a cooperative agreement with HUD. The substance and findings of the work are dedicated to the public. The ND Department of Labor and Human Rights is solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the U.S. Government.

Have Additional Questions?
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Rev. 10/14

Understanding Housing Discrimination Laws in North Dakota



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